

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Gurney et al. :  
APPLICATION NO.: 09/869,414 : Examiner: C. Nichols  
FILING DATE: June 27, 2001 : Group Art Unit: 1647  
TITLE: Alzheimer's Disease Secretase, APP :  
Substrates and Uses Thereof

**TERMINAL DISCLAIMER**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Pharmacia and Upjohn Company is the owner of 100% interest in the above-captioned application and in second application serial number 09/548,366, filed on April 12, 2003. Pharmacia and Upjohn hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term of any patent issuing on said second application, including any patent term extensions, restorations or adjustments for said patent issuing on said second application available under all applicable statutes including 35 U.S.C. §§ 154 through 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent issuing on said second application. The owner hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to it and to any patent issuing on said second application shall be commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issuing on said second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the patent issuing on said second application expires for failure to pay a maintenance fee, is held unenforceable and/or invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or its term is in any manner

Application No.: 09/869,414

Docket No.: 29915/6280M

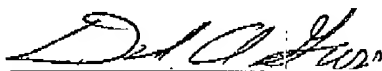
shortened prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

This Terminal Disclaimer is accompanied by a Fee Transmittal Sheet authorizing payment of the appropriate fee under 37 C.F.R. § 1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: March 23, 2004



David A. Gass  
Reg. No. 38,153  
Attorney of Record